

Electronically filed on August 28, 2007

Deborah D. Williamson  
Texas State Bar No. 21617500  
*dwilliamson@coxsmith.com*  
**COX SMITH MATTHEWS INCORPORATED**  
112 E. Pecan Street, Suite 1800  
San Antonio, Texas 78205  
Telephone: (210) 554-5500  
Facsimile: (210) 226-8395

David Bryant  
Texas State Bar No. 03281500  
*dbryant@coxsmith.com*  
**COX SMITH MATTHEWS INCORPORATED**  
1201 Elm Street, Suite 3300  
Dallas, Texas 75270  
Telephone: (214) 698-7700  
Facsimile: (214) 698-7899

**ATTORNEYS FOR FORD ELSAESSER,  
CHAPTER 11 TRUSTEE**

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

**USA COMMERCIAL MORTGAGE  
COMPANY,**

**USA CAPITAL REALTY ADVISORS,  
LLC,**

**USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,**

**USA CAPITAL FIRST TRUST DEED  
FUND, LLC**

**USA SECURITIES, LLC**

Debtors.

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

Chapter 11

Jointly Administered Under Case No.  
Case No. BK-S-06-10725-LBR

**Affects:**

- ☒ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

**VERIFIED PETITION FOR  
PERMISSION TO PRACTICE  
IN THIS CASE ONLY BY  
ATTORNEY NOT ADMITTED**

Thomas Rice, Petitioner, respectfully represents to the Court:

1. That Petitioner resides in the San Antonio, Texas area.

1           2.       The Petitioner is an attorney at law and a shareholder in the law firm of Cox  
2 Smith Matthews Incorporated, with offices at 112 E. Pecan, Suite 1800, San Antonio, Texas  
3 78205, (210) 554-5500.

4           3.       That Petitioner has been retained personally or as a member of the law firm by  
5 Ford Elsaesser, Chapter 11 Trustee for the estate of Joseph D. Milanowski, to provide legal  
6 representation in connection with the above-entitled case now pending before this Court.  
7

8           4.       That since 2000, Petitioner has been and presently is a member in good standing  
9 of the bar of the highest Court of the State of Texas where Petitioner regularly practices law.

10          5.       That Petitioner was admitted to practice before the following United States  
11 District Courts, United States Circuit Courts of Appeal, the Supreme Court of the United States  
12 and Courts of other States on the dates indicated for each, and that Petitioner is presently a  
13 member in good standing of the bars of said Courts.  
14

15                   Western District of Texas, 2000  
16                   Northern District of Texas, 2000  
17                   Southern District of Texas, 2000  
18                   Eastern District of Texas, 2000

19          6.       That there are or have been no disciplinary proceedings instituted against  
20 Petitioner, nor any suspension of any license, certificate or privilege to appear before any  
21 judicial, regulatory or administrative body, or any resignation or termination in order to avoid  
22 disciplinary or disbarment proceedings.

23          7.       That Petitioner has never been denied admission to the State Bar of Nevada.

24          8.       That Petitioner is a member of good standing in the follow Bar Associations:

25                   State Bar of Texas  
26                   American Bar Association  
27                   San Antonio Bankruptcy Bar Association  
28

9. Petitioner or any member of Petitioner's firm (or office if firm has offices in more than one city) with which Petition is associated has/have filed application(s) to appear as counsel under Local Rule 10-2 during the past three (3) years in the following matters:

Date of Application	Cause	Title of Court Administrative Body or Arbitrator	Was Application Granted or Denied
September 9, 2005	05-0115	U.S. Bankruptcy Court	Granted
September 9, 2005	05-0115	U.S. Bankruptcy Court	Granted
June 16, 2006	06-cv-00710	U.S. District Court	Granted
June 16, 2006	06-cv-00710	U.S. District Court	Granted
June 14, 2007	07-13162	U.S. Bankruptcy Court	Granted
June 14, 2007	07-13162	U.S. Bankruptcy Court	Granted
August 21, 2007	07-13162	U.S. Bankruptcy Court	Granted

10. Petitioner consents to the jurisdiction of the courts and disciplinary boards of the State of Nevada with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the State Bar of Nevada.

11. Pursuant to the *Order Granting Motion to Waive Requirement of Local Counsel Pursuant to Local Rule IA 10-2(d)* [Docket No. 92] entered on June 26, 2007 in Case No. 07-13162-LBR pending before this Court, Petitioner is not required to associate a resident member of the bar of this court as co-counsel.

12. Petitioner agrees to comply with the standards of professional conduct required of the members of the bar of this court.

13. Petitioner has disclosed in writing to the client that the applicant is not admitted to practice in this jurisdiction and that the client has consented to such representation.

1 That Petitioner respectfully prays that Petitioner be admitted to practice before this Court  
2 FOR THE PURPOSES OF THIS CASE ONLY.

3 DATED: August 28, 2007

4 /s/ Thomas Rice  
Thomas Rice

5  
6 STATE OF TEXAS )  
7 )  
8 COUNTY OF BEXAR )

9 Thomas Rice, Petitioner, being first duly sworn, deposes and says:

10 That the foregoing statements are true.

11 /s/ Thomas Rice  
12 Thomas Rice

13 Subscribed and sworn to before me this  
14 28th day of August, 2007.

15 /s/ Allison C. Seifert  
16 Notary Public for the State of Texas  
17 My Commission Expires: August 14, 2009  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28